Femicide: shedding light on the ‘invisible’ victims

Femicide: killing of women and girls because of their gender.

*Vienna Declaration on Femicide (2012)*

Violence against women undermines a core value of the European Union and stands in the way of achieving full gender equality. Ending all forms of gender-based violence and supporting the victims is one of the main priority areas of the Gender Equality Strategy 2020-2025. This commitment also applies to femicide, the most extreme form of violence against women.

Femicide continues to be widespread around the globe. In 2020 the global estimation of femicide shows that 47 000 women were killed by intimate partners or other family members worldwide and around 2 600 in Europe.

However, the number of victims is in fact much higher. Orphaned children, bereaved parents and siblings of murdered women are rarely considered as direct victims. Legal gaps in tackling femicide hinder their access to justice, leaving victims of femicide (family members of murdered women) feeling neglected. EIGE's research points to alarming findings: the lack of comprehensive institutional response to femicide not only impedes effective prevention and prosecution, but also deprives victims of necessary support and exposes them to repeated victimisation during legal proceedings.

Due diligence in preventing and combating femicide

Under international human rights law, states are required to exercise due diligence when addressing all forms of violence against women, including femicide. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), ratified by the majority of EU Member States, obliges states to prevent, investigate and punish all acts of violence against women as well as protect the victims. States are also required to provide reparations to the victims, which may encompass: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, among other things.

Restitution
Adoption of measures aimed at returning victim to situation prior to the violation.

Compensation
Obligation to compensate harms caused by the punishable conduct.

Rehabilitation
Creation of measures allowing victims to recover from physical and psychological traumas suffered because of the crime.

Satisfaction
Provision of moral compensation to re-establish the dignity of the victims.

Non-repetition
Obligation to carry out actions aimed at eradicating the factors that cause femicidal violence.


(1) United Nations Office on Drugs and Crime (2021), *Data Matters 3 – Killings of women and girls by their intimate partner or other family members*, Vienna.

(2) In recognition of the suffering of families as a result of femicide, victims are defined as ‘family members of a person whose death was directly caused by a crime and who have suffered harm as a result of that person’s death’ in accordance with Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.
Femicide: gender-based violence or gender-neutral homicide?

Legal responses to counter femicide in the five selected Member States (Germany, Spain, France, Portugal and Romania) are usually guided by two distinct approaches: femicide is considered either as a gender-neutral homicide or a form of gender-based violence. However, only one Member State (Spain) recognizes in its legislation that femicide is an extreme form of gender-based violence against women.

As a result, out of five researched Member States, Spain seems to have the most integrated approach towards femicide. The killings of women are framed within the concept of gender-based violence. Since 2004 all cases of gender-based violence, including femicides, are investigated, prosecuted and sentenced by separate, specialised law enforcement units and courts. Ensuring that investigators and prosecutors have expert knowledge on femicide is crucial to identify evidence proving that the killing was motivated by the victim’s gender and holding the perpetrator accountable.

Femicide: a crime in its own right

None of the Member States legally recognise femicide as a separate criminal offence.

However, a number of professionals interviewed argue that such change would bring numerous benefits.
**Victims’ rights: the painstaking path through the legal system**

Victims’ and professionals’ experiences reveal that accessing justice is a gruelling path. Improving victims’ experiences with the legal system is essential since family members see the end of a trial not only as their call for justice being answered, but also experience it as a symbolic burial.

Some victims recount insufficient consideration shown by police officers for victims’ feelings, for example, when informing about the death. According to both victims and professionals, conducting a thorough investigation and collecting evidence should not overshadow the need to protect victims from trauma. Interviewees note the lack of clear and easily accessible information about victims’ rights, which can exclude them from criminal proceedings. Both victims of femicide and professionals note that seeking financial compensation for damages suffered as a result of femicide is very complex and requires great effort from the victims. The victims note that this process exposes them to pain and suffering as it often requires recalling the details of the crime when applying for compensation.

Meetings highlight that in some cases the media contribute to their re-victimisation and traumatic experiences. Victims note feeling exposed, harassed or even insulted by the way some media presented the cases. Using the term femicide as opposed to overly dramatic alternatives would ensure respect for murdered women.

Many victims feel re-victimised and uncomfortable in the courtroom. Some victims highlight that after days spent in court they suffered from depression or other long-term health consequences.

Victims say that judges need to be more proactive in stopping the defence from trying to discredit the woman who has been murdered and refrain from making comments blaming victims for their death.

**Lack of sensitivity towards victims**

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**‘Invisible victims’**

Most legal systems do not recognise family members of murdered women as victims of the femicide. As a result, their access to justice is limited as they cannot fully participate in the criminal proceedings.

Opinions expressed by professionals and victims highlight the lack of systemic, comprehensive reparations that include good-quality, long-term support services for victims to address the emotional consequences of femicide. Since reparation programmes are scarce, the responsibility of supporting victims often falls on severely underfunded NGOs.

**Persistent gap in providing reparations**

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**Insufficient information on victims’ rights**

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**Re-victimisation in court**

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**The impact of inconsiderate media reporting**

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**Children as victims**

Protecting the well-being of children who witnessed a femicide and/or became orphans due to the crime is recognised as a priority in all Member States, however, the existing measures are still insufficient. The specialised protocols have to address children’s needs, protect them from trauma and provide immediate, long-term specialised support. The interviewees also advise that exchange of information between relevant institutions and courts be improved to ensure that the child’s custody is resolved and parental authority is suspended when the parent is a suspect in a femicide case.

… society and the State cannot inflict on these children even just one more millimetre of suffering for what they have already gone through, not one more, with long proceedings, with doubts, with multiple hearings. They cannot cause these children even one more grief of pain.

(NGO representative, France).